

E-Filed on 05/08/07

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
TRACY SUTTLES TO APPEAR FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Tracy Suttles ("Suttles") to appear, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to appear for examination at the office of Diamond

1 McCarthy LLP, 909 Fannin, Suite 1500, Houston, TX 77010, on a business day no earlier
 2 than ten (10) business days after the filing of this Motion and no later than June 30, 2007
 3 (or at such other mutually agreeable location, date, and time) and continuing from day to
 4 day thereafter until completed.

5
 6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8
 9 The Movant seeks information concerning various transactions and other dealings
 10 between USACM, the other debtors in the above-captioned cases (together with USACM,
 11 the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related
 12 entities. The Movant seeks this information to assist in the collection of the assets and the
 13 investigation of the liabilities of the Debtors.

14
 15 The requested discovery from Suttles is well within the scope of examination
 16 permitted under Bankruptcy Rule 2004, which includes:

17 [t]he acts, conduct, or property or . . . the liabilities and financial condition
 18 of the debtor, or . . . any matter which may affect the administration of the
 19 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
 20 reorganization case under chapter 11 of the Code, . . . the examination may
 21 also relate to the operation of any business and the desirability of its
 22 continuance, the source of any money or property acquired or to be acquired
 23 by the debtor for purposes of consummating a plan and the consideration
 24 given or offered therefore, and any other matter relevant to the case or to the
 25 formulation of a plan.¹

26 **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted
 with this Motion.

¹ FED.R. BANKR. P. 2004(b).

1 Dated: May 8, 2007.

2 **DIAMOND MCCARTHY LLP**

3 **LEWIS AND ROCA LLP**

4 By: /s/ Eric D. Madden
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10 *Special Litigation Counsel for USACM*
11 *Liquidating Trust*

Counsel for USACM Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been served on May 8, 2007, by United States Mail, first class, postage prepaid and properly addressed to Tracy Suttles at the following address:

Tracy Suttles
3 Willowick Circle
Houston, TX 77024-7524

Tracy Suttles
1300 Post Oak Blvd., Suite 1875
Houston, TX 77056

/s/ Eric D. Madden
Eric D. Madden